

IN THE BOARD OF APPEALS AND INTERFERENCES
OF THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: ARORA *et al.*

Examiner: Devesh Khare

Application No.: 10/611,386

Group Art Unit: 1623

Filing Date: July 1, 2003

Divisional Application of Serial No. 09/276,368 filed March 25, 1999

For: **DERIVATIVES OF MONOSACCHARIDES AS CELL
ADHESION INHIBITORS**

BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Commissioner:

1. Real Party in Interest

The real party in interest in this case is Ranbaxy Laboratories Limited, the Assignee of the present application, the assignment being recorded at Reel 01050/Frame 0867.

2. Related Appeals and Interferences

There are simultaneously pending appeals in the following cases related to this case:

Serial No. 10/610,719 filed July 1, 2003, Divisional Application of Serial No. 09/276,368 filed March 25, 1999, now U.S. Patent No. 6,590,085 issued July 8, 2003;

Serial No. 10/611,093 filed July 1, 2003, Divisional Application of Serial No. 09/276,368 filed March 25, 1999, now U.S. Patent No. 6,590,085 issued July 8, 2003;

Serial No. 10/611,091 filed July 1, 2003, Divisional Application of Serial No. 09/276,368 filed March 25, 1999, now U.S. Patent No. 6,590,085 issued July 8, 2003.

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disclosure of Bouveng to arrive at a process to create a 4-carbamate hexulofuranose with any expectation whatsoever that such a compound could have any utility as a pharmaceutical agent.

There is no suggestion or motivation contained in the Bouveng reference to arrive at applicants' claimed processes. Again, absent such suggestion or motivation, the Examiner's position that it would have been obvious to combine Arora et al. with Bouveng is pure and impermissible hindsight. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Conclusion

In light of the foregoing, applicants submit that the claims are not obvious under 35 U.S.C. §103(a). Therefore, the rejection of claims 5 and 6 should be withdrawn and the claims should be allowed.

Respectfully submitted,
ARORA et al.

By: George E. Heibel by William D. Hale
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Date: June 8, 2005

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